

**Big Cypress National Preserve
ORV Advisory Committee Meeting
January 30, 2013**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee (ORVAC) held their regularly scheduled meeting on January 30, 2013, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 p.m. by Pedro Ramos, BICY Superintendent.

Committee Members Present: Franklin Adams, David Denham, John Adornato, Barbara Jean Powell, Brad Cornell, Dennis Wilson, Chuck Hampton, Wayne Jenkins, Robin Barnes. **Not Present:** Manley Fuller, Curt Witthoff, Laurie Macdonald, Jim Coletta, Win Everham, Jenny Richards, Karl Greer, Jorge Gutierrez. **BICY Staff Present:** Pedro Ramos, J. D. Lee, Damon Doumlele, David Hamm, Nikita Carty, Bob DeGross, Steve Schulze, Valerie Clark, Susan Rossi, Renee Mackenzie, David Fireman, Dennis Bartalino, Rob Leonard, Luke Conrad, Will Rena.

There were approximately 15 members of the public present.

The meeting was facilitated by Delia Clark.

Mr. Ramos opened the meeting by welcoming the attendees and thanking the BICY staff for putting the meeting together. After leading the Pledge of Allegiance, Mr. Ramos announced that membership renewals had been completed and turned the meeting over to Ms. Clark, who went over the agenda, which primarily included discussion of the Stairsteps Unit trail network and vehicle specifications. Ms. Clark explained the two public comment periods, went over house rules, and noted that the meeting was being videotaped by two cameras.

ORVAC Business.

Approval of Minutes. Ms. Clark asked if there were any corrections to the minutes of the November 7, 2012, meeting. Mr. Adornato noted that most of the Stairstep Subcommittee recommendations on page 2 concluded with “the Committee agreed” and questioned why the Committee is revisiting recommendations already agreed to. The language was corrected to “the Committee tentatively agreed pending a final conversation at the next meeting.”

Mr. Adornato noted that under item 4 on page 2, NEPA issues were discussed. Mr. Ramos stated that the video recording would be checked and the minutes corrected as necessary to reflect what was actually said.

Mr. Adornato stated that item 5 on page 4 did not adequately address the Committee’s and Subcommittee’s discussions but suggested that since the topic is being discussed again at today’s meeting, the minutes of today’s meeting could more clearly reflect the discussion.

Mr. Jenkins pointed out a typographical error on page 4, second full paragraph. “Form” should be corrected to “from.”

The minutes were approved as corrected.

Committee Travel. Ms. Rossi explained that because of the change to a new financial management system, the November travel vouchers had not been finalized. Her goal is to have all vouchers ready for signature at the following meeting.

Superintendent’s Report. Mr. Ramos emphasized how significant the work of the ORVAC was in its early years in leading the NPS to designate trails in the Turner River and Corn Dance units, thereby eliminating dispersed use. He went on to say that the conversation at the last meeting pertaining to Mr. Adornato’s membership was difficult but needed to take place. Mr. Ramos hoped that this conversation would draw the members closer together. He discussed the issue with the Solicitor’s Office and determined that there is nothing with regard to Mr. Adornato’s membership that violates any ethical expectations or law.

Mr. Ramos said that although a review of secondary trails had been a high priority of his, this changed as a result of a notice of intent to sue received from a coalition of environmental organizations on December 20, 2012, claiming that the secondary trail work was not consistent with the plan or law. Mr. Ramos now feels that it would be inappropriate for the Committee to be taking on a discussion of a topic that NPS may possibly be litigating. The notice of intent has been posted on the BICY website. A spreadsheet has also been posted that gives details on all the secondary trails. Mr. Ramos encouraged the Committee to continue discussing the Stairsteps Unit trails and come up with a recommendation, recognizing that there may have to be caveats concerning secondary trails. Any debate on what secondary trails should or should not be should be tabled.

Stairsteps Trail Network. After reviewing the process used by the Committee to reach consensus, Ms. Clark addressed the Stairsteps Subcommittee recommendations which the Committee had walked through at the last meeting. She directed the Committee’s attention to Recommendation 5 (Should we consider a distinction between primary and secondary trails in Zone 4? Subcommittee response: This is not addressed in the ORV Plan, but it would be good to do) and the overall map of recommended trails. Mr. Adornato wished to also reconsider Recommendation 4, relating to evaluation of the closed sparrow zone in Zone 4, and Recommendation 7, concerning Pace’s Dike destinations. Concerning Recommendation 7, the Committee agreed to recommend a) no north/south primary trail on the east side and b) all east/west segments designated as primary with short secondary trails to the areas known as Doc Wolf and Green Head.

Discussion turned to Recommendation 4, and the Committee agreed to insert “policy and” after “available.” The Committee agreed with the Subcommittee recommendation as amended to read, “The closed sparrow zone should be evaluated for reopening through adaptive management using all available policy and science, including existing science and new, if needed.”

Concerning Recommendation 5, the Committee agreed to a two-step approach of a) obtaining more information on why the ORV Management Plan does not allow secondary trails in Zone 4 or set a mileage limit on primary trails, and b) allowing secondary trails through adaptive management. The Committee wanted to first obtain the necessary information before making a recommendation on adaptive management.

Mr. DeGross presented a map showing the existing, suggested, and landowner trails in the Stairsteps Unit. He noted that the ORV plan calls for approximately 10 miles of primary trails in Zone 2 and 25 miles of primary trails in Zone 3; no mileage total for Zone 4 is given. Zone 4 currently has 57 miles of trails, and the Subcommittee recommended an additional 40 miles. The Committee agreed with the Subcommittee's trail recommendations for Zone 4.

Mr. DeGross explained that Zone 3 currently has 5.82 miles of primary trails and 0.35 miles of secondary trails. The Subcommittee recommended a total of 24.07 miles of primary trails and 12.25 miles of secondary trails. Mr. Adornato was comfortable with the primary trails as recommended but had concerns about approving most of the secondary trails in light of the judge's recent Bear Island ruling. He also felt that the ratio of secondary to primary trail mileage was too large and inconsistent with the intent of the ORV plan. The Committee agreed with the Subcommittee's primary trail recommendations for Zone 3.

Mr. DeGross stated that the Subcommittee's recommendation for Zone 2 was 13.35 miles of primary trails and 8.47 miles of secondary trails.

Public Comment—Stairsteps Trail Network. Lyle McCandless (Big Cypress Sportsmen's Alliance; Big Cypress Stakeholders' Group) felt that Mr. Adornato should not sit on the ORVAC. He felt that the ORVAC should have decided if they should discuss trails in the Stairsteps Unit. There is no limit to secondary trails. He supported the trails as recommended by the Subcommittee and Committee and hoped that the NPS would not reduce them further.

Shannon Larsen (Ancient Trees) understood that the Stairsteps Unit had been closed, and there had always been concerns by the aboriginal indigenous people that certain areas should not be imposed upon. She said that there had been an agreement between the aboriginal indigenous people and the NPS to this effect. She did not see that the aboriginal indigenous people's concerns were ever addressed by the Committee or the NPS. Traditional indigenous people should be involved in all groundtruthing.

Bobby C. Billie (Council of the Original Miccosukee Simanolee Nation) said that in the Stairsteps many of his ancestors had been killed by the military and their remains are everywhere. The whole Preserve should be left alone and the roads should be taken out.

Matt Schwartz (South Florida Wildlands Association) disagreed with eliminating the discussion on secondary trails from this meeting. The ORV plan calls for many things that everyone agrees with, e.g., limited access points, 2000 vehicle permit holders, seasonal closures, and spatial closures. Mr. Schwartz believed that the lengths of the secondary trails in the Stairsteps Unit were excessive. There is no user conflict in the unit because there is nothing designated other than ORV and airboat trails.

Skip Strong said that the Skillet South trail does not go all the way to New River, which is probably the biggest destination in the area. The trail should be extended to the river for all types of access.

Robbie Jones said he was a handicapped hunter and needed the secondary trails because he could not walk into the woods like he used to.

Stairsteps Trail Network—Conclusion. The Committee did not change its recommendation for Zone 4 or the primary trails for Zone 3. There was disagreement on recommending the Subcommittee recommendations on secondary trails except for the two leading to the Doc Wolf and Green Head areas. In Zone 2 the Committee agreed with the Subcommittee's primary trail recommendation but did not reach consensus on the secondary trail recommendation, except for a secondary trail going to New River.

Ms. Clark agreed to draft a complete recommendation for the Stairsteps Unit and circulate it to the Committee for comment before submittal to the NPS.

Vehicle Specifications. Mr. Adams stated that the issue of ATVs and "mudders" continually comes up and needs to be addressed. He said that prior to BICY's establishment in 1974, there were primarily swamp buggies and airboats. The State of Florida opened the door for nontraditional vehicles in the Preserve quite a few years ago. The issue needing to be addressed is the two-wheel-drive "Banshees," which Mr. Adams felt were not suitable for BICY. Mr. DeGross explained that in 2006 the NPS decided to only permit four-wheel-drive swamp buggies. ATVs can be either two- or four-wheel-drive. Ms. Powell pointed out that a distinction needs to be made between traditionally used swamp buggies/ATVs and nontraditional ones, and that the traditional three-wheelers need to be grandfathered. She noted that there is no prohibition in the ORV plan on two-wheel-drive swamp buggies.

The Committee decided to make a list of questions and refer them to the Vehicle Specifications Subcommittee that was appointed several years ago. Of the Committee members present, the Subcommittee consists of Ms. Powell, Mr. Hampton, Mr. Wilson, Ms. Barnes, Mr. Adams, and Mr. Jenkins. From the public, Lyle McCandless, Frank Denninger, and Charles Barley either requested or were suggested to be on the Subcommittee. Mr. Adams agreed to chair the Subcommittee. The Committee suggested the following questions:

1. If someone misses a year or two, are they still grandfathered in? (two-wheel-drive swamp buggies)
2. How can we run grandfathering fairly and still meet our mission?
3. What does grandfathering mean, anyway?
4. ATC vs. Banshee two-wheel-drive issue? (Banshee: two-cycle engine)
5. What should we do about Banshees? (noise, behavior, resource destruction)
6. What role does enforcement play?
7. If we ban some vehicle types, can we help develop cooperative relationships with other lands so they have somewhere to go?

8. What are the different issues related to Banshees? Can we document these issues?
9. Could/should NPS design a rule that gives prioritization to swamp buggies?
10. Mufflers – can we have regulations about them that are checked at registration? Would silencers make sense?
11. Could NPS keep a record of percentage of ATV types?
12. Tire width specification – is it working for all vehicles?

Mr. Ramos assigned Mr. Fireman as the NPS point of contact for the Subcommittee.

Public Comment—Vehicle Specifications and General Comments. Bill Clark (Big Cypress Sportsmen’s Alliance) noted that the NPS website does not distinguish between two- and four-wheel-drive ATVs. He suggested that silencers be considered for ATV mufflers. He felt that there should be consideration given to the \$50 permit fee for grandfathered three-wheelers and that they should be grandfathered permanently. Most of the two-wheel-drive ATVs are designed for speed.

Skip Strong felt that two-wheel-drive vehicles were all okay and noted that the Banshees are distinguished by having two-cycle engines and rear wheel drive. He suggested requiring two-wheel-drive vehicles to have a winch on the front.

Matt Schwartz (South Florida Wildlands Association) quoted from the ORV plan a research need entitled “Determine impacts of a range of vehicle specifications on natural resources.” He said it was a well-thought-out study and needed to be done. He said that there are a lot of places in BICY where ORV users are going off trail. Sensitive areas such as prairies are off limits to ORVs and need to be protected.

Robbie Jones said that he was recently on the Concho Billie Trail and noted that people have gotten a lot better about staying on the trail. He said that it is against the law to modify the exhaust on an ATV. He hunts almost every day during turkey season and has never seen a Banshee out there.

Bobby C. Billie (Council of the Original Miccosukee Simanolee Nation) said that his people protested Miami-Dade’s proposal to open up the Jetport to ORVs. Three-wheelers get stuck and have to be pulled out by buggies. Discrimination was occurring because the law says that there has to be an indigenous person on the Subcommittee.

Shannon Larsen (Ancient Trees) said that regardless of the type, ORVs are terrifying to the animals. She wants to see all the vehicles out of the Preserve, especially the Addition lands. All vehicles make noise and should have silencers.

Lyle McCandless (Big Cypress Sportsmen's Alliance; Big Cypress Stakeholders' Group) said that unless data can be shown that supports banning two-wheel-drives and airplane tires and chains, they should be reinstated. He said that Karen Gustin and Ed Clark probably made a bad decision in banning old two-wheel-drive trucks. His organization supports establishing an ATV area at the Jetport. The ORVAC should be meeting bimonthly or monthly. It was decided a few years ago that the ORVAC could address the 60-day closure, but no action has been taken to date. The NPS does not have the proper motivation to defend the issues. It is sad that the ORV secondary trail issue is not on the agenda.

Vehicle Specifications—Follow-up Conversation. Additional questions obtained from public comment for the Subcommittee to consider included:

13. Should we require a winch on the front?
14. Which types of vehicles have the greatest impact on the resource?
15. What other factors have the greatest impact on the resource? E.g., weight, tire width, etc.
16. What are the issues with 3-wheelers?
17. How can we ensure indigenous perspective on this issue?
18. What are the impacts of vehicles on wildlife?
19. Can we limit noise on all vehicles, including airboats, buggies, etc.?
20. Two-wheel-drives, airplane tires, chains, etc. banned in 2006 – should they be reinstated?

Mr. Ramos stated that he would like the Subcommittee to start work before the next ORVAC meeting. Mr. Adams said that the question list could be pared down by email. The Committee approved Mr. McCandless, Mr. Denninger, and Mr. Barley to be Subcommittee members. The Subcommittee may bring in other citizens with expertise on the issues as necessary. The Committee expected a Subcommittee progress report at the next meeting.

Committee Open Discussion, Wrap-up, and Proposals for Agenda for Next Meeting. Mr. Adams announced a series of meetings for the River of Grass Greenway (ROGG), a proposed hiking/biking trail from Naples to Miami. Ms. Powell suggested adding the ROGG to the agenda for the next meeting.

The meeting adjourned at 7:30 p.m.